

SEP 29 2004

09/30/04

RCE#

PTO/SB/30 (09-03)

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# Request for Continued Examination (RCE) Transmittal

Address to:  
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Application Number	09/683,548
Filing Date	January 16, 2002
First Named Inventor	John Austin Burns
Art Unit	1638
Examiner Name	Stuart F. Baum
Attorney Docket Number	38-21(51450)B

**This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.**  
Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See Instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. ☐ Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

i. ☐ Consider the arguments in the Appeal Brief or Rely Brief previously filed on \_\_\_\_\_

ii. ☐ Other \_\_\_\_\_

b. ☒ Enclosed

i. ☒ Amendment/Reply

ii. ☐ Affidavit(s)/ Declaration(s)

iii. ☐ Information Disclosure Statement (IDS)

iv. ☐ Other \_\_\_\_\_

2. **Miscellaneous**

a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of \_\_\_\_\_ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. ☐ Other \_\_\_\_\_

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.  
The Director is hereby authorized to charge the following fees, or credit any overpayments, to

a. ☒ Deposit Account No. 13-4125

i. ☒ RCE fee required under 37 CFR 1.17(e) 10/01/2004 MAHMED1 00000017 134125 09683548

ii. ☒ Extension of time fee (37 CFR 1.136 and 1.17) 01 FC:1801 770.00 DA

iii. ☐ Other \_\_\_\_\_

b. ☐ Check in the amount of \$ \_\_\_\_\_ enclosed

c. ☐ Payment by credit card (Form PTO-2038 enclosed)

**WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.**

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	M. Todd Rands	Registration No. (Attorney/Agent)	46,249
Signature	<i>M. Todd Rands</i>	Date	9/29/04

## CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as **Exp. Mail #EVL14073204US** addressed to: Mail Stop RCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print/Type)	Michelle Ludwig	Date	9/29/2004
Signature	<i>Michelle Ludwig</i>		

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

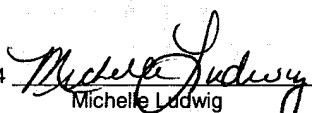


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
 ) Conf. No. 7713  
Burns et al. )  
 ) Group Art Unit: 1638  
Serial No.: 09/683,548 )  
 ) Examiner: Stuart Baum  
Filed: January 16, 2002 )  
 ) Atty Docket: 38-21(51450)B  
For: Novel Multiple Shoot Proliferation and )  
Regeneration System for Plants )

AMENDMENT AND REMARKS  
IN RESPONSE TO OFFICE ACTION MAILED MAY 20, 2004

MAIL STOP RCE  
Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

CERTIFICATE OF MAILING	
37 C.F.R. 1.10	
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail "Post Office to Addressee" Mailing Label Number EV114073204US in an envelope addressed to: MAIL STOP RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below:	
September 29, 2004	 Michelle Ludwig

Sir:

In response to the Final Office Action dated May 20, 2004, Applicants submit the following Amendment and Remarks. This paper is filed with the accompanying Request for Continued Examination (RCE). In a separate Petition, Applicants have requested and paid the fee for a two-month extension of time. Thus, this response is timely filed by October 20, 2004. If any fees under 37 C.F.R. §§ 1.16 to 1.21 are required for any reason relating to this document, the Commissioner is authorized to deduct the fees from the Monsanto Company Deposit Account No. 13-4125.

**Amendments to the claims** are reflected in the claim listing provided below. A **Remarks** section follows the listing of the claims.